

IN THE UNITED STATES DISTRICT COURT
 FOR THE Northern DISTRICT OF TEXAS
West DIVISION

• Devon Simmons # 1969486

Plaintiff's Name and ID Number

Robertson Unit (Abilene, Tx 79601)

Place of Confinement

v. "1st claim"
12/12/22

• Jean C. Kilpatrick (No longer w/ Agency)
 Defendant's Name and Address

• Sgt. ~~Abizada~~ AKA (SGT. E) (12701 fm 3522) Abilene, Tx 79601
 Defendant's Name and Address

• Camera Room 1 Bldg Admin date of Incident
 Defendant's Name and Address (12701 fm 3522)
Abilene, Tx 79601
 (DO NOT USE "ET AL.")

1:23-cv-00081

CASE NO.

(Clerk will assign the number)

Continuance of events
2nd claim 4/12/23

Ofc. Main (African male ofc)

Ofc. Guerra (Mexican male ofc)

Ofc. M. Taylor (Black officer)

INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACKSIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the clerk of the United States district court for the appropriate district of Texas in the division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. If you are confined in the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), the list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate district court, the division and an address list of the divisional clerks.

FILING FEE AND *IN FORMA PAUPERIS* (IFP)

1. In order for your complaint to be filed, it must be accompanied by the statutory filing fee of \$350.00 plus an administrative fee of \$50.00 for a total fee of **\$400.00**.
2. If you do not have the necessary funds to pay the fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis*, setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six-month history of your inmate trust account. If you are an inmate in TDCJ-CID, you can acquire the application to proceed *in forma pauperis* and the certificate of inmate trust account, also known as *in forma pauperis* data sheet, from the law library at your prison unit.
3. The Prison Litigation Reform Act of 1995 (PLRA) provides "... if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." See 28 U.S.C. § 1915. Thus, the court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the court will apply 28 U.S.C. § 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your inmate trust account, until the entire \$350.00 statutory filing fee has been paid. (The \$50.00 administrative fee does not apply to cases proceeding *in forma pauperis*.)
4. If you intend to seek *in forma pauperis* status, do not send your complaint without an application to proceed *in forma pauperis* and the certificate of inmate trust account. Complete all essential paperwork before submitting it to the court.

CHANGE OF ADDRESS

It is your responsibility to inform the court of any change of address and its effective date. Such notice should be marked "**NOTICE TO THE COURT OF CHANGE OF ADDRESS**" and shall not include any motion for any other relief. Failure to file a NOTICE OF THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

I. PREVIOUS LAWSUITS:

- A. Have you filed *any* other lawsuit in state or federal court relating to your imprisonment? YES NO
- B. If your answer to "A" is "yes", describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)

1. Approximate date of filing lawsuit: 2020 (Palestine), 2021 (Walker)
2. Parties to previous lawsuit:

Plaintiff(s) myself (Davin Simmens)

Defendant(s) unsure
3. Court: (If federal, name the district; if state, name the county.) Walker, Palestine,
4. Cause number: unsure
5. Name of judge to whom case was assigned: unsure
6. Disposition: (Was the case dismissed, appealed, still pending?) Still pending
7. Approximate date of disposition: unsure

II. PLACE OF PRESENT CONFINEMENT: Robertson Unit

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted all steps of the institutional grievance procedure? YES NO

Attach a copy of your final step of the grievance procedure with the response supplied by the institution.

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: Devin Simmons, 500. Aggression, Robertson, 12701 fm 3522, Abilene TX 79601 (Robertson Unit)
Devin Simmons #19691486

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: Sean C. Kilpatrick (Correctional Officer) Currently (12/12/22) fired from the Agency, due to accusations

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Sexually Harassed (x2) / Staff Voyeurism, Masturbating 2 counts while inmates on suicide watch.

Defendant #2: Off. Arizona, RB Unit (12701 fm 3522) (12/12/22)
Abilene, TX 79601

Briefly describe the acts(s) or omission(s) of this defendant which you claimed harmed you.

Failed to report incident, lied as if he didn't see it, Intimidation + threats of retaliation

Defendant #3: Off. Main (Correctional Officer 12Bldg) (4/12/23)

Sexually Harasser RB Unit (12701 fm 3522) Abilene, TX 79601

Briefly describe the acts(s) or omission(s) of this defendant which you claimed harmed you.

Retaliated issue rolled legs down w/ no restraints, homosexual Come on's, Reckless Endanger while inmates on the run, no 2nd officer present while light off intentionally

Defendant #4: Off. Guerra (Correctional Officer 12Bldg) (4/12/23)

RB Unit (12701 fm 3522) Abilene, TX 79601

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

12Bldg, F pool picked rolled the door off visual of no restraints, no 2nd officer while he had the light out, ought to be watching of 2 minute workers w/ etc.

Defendant #5: Off. M-Taylor (Correctional Officer 12Bldg)

RB Unit (12701 fm 3522) Abilene, TX 79601

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Threatening to retaliate, 6:19 p.m (4/12/23) on camera in front of my cell (12-83)

Pay close attention to head motions etc. Asked me why did I turn his name

In referring to Officer Main. Allowed lights out due to unprofessional act

After he was never doubled up w/ etc. Main when door was rolled while

(2) maintenance workers had a exit door occupied on camera on the run.

Rev. 05/15

V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

Sexual Harrassment by Ofc. Sean C. Kilpatrick by staff voyeurism, masturbating on inmate on (2x) counts and claims substantiated each Sgt. Arizona present failed to report incident while present on the day of 12-12-22 on camera on 12Bldg (F-pod) 5cell @ 8:05pm-10:05 p.m, while inmate was on CDO (Suicide Watch). Ofc. Kilpatrick made threats of sexual encounters, agreed to tell me he wanted to do sexual things to me and would jack off on me all night if he gets to sit in front of my cell, while holding his food talking ~~deeper~~ derogatory and sexual at my cell after his lunch break on camera @ the time above. See Exhibit with details on the Memorandum of Events, and now 2nd issue

VI. RELIEF:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

Court to professionally exam all evidence and that relief be sought on the claims, and affords retaliation of events.

VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases.

B. List all TDCJ-CID identificaiton numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you.

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VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? YES NO

B. If your answer is "yes," give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): _____

2. Case number: _____

3. Approximate date sanctions were imposed: _____

4. Have the sanctions been lifted or otherwise satisfied? YES NO

C. Has any court ever warned or notified you that sanctions could be imposed? YES NOD. If your answer is "yes," give the following information for every lawsuit in which a warning was issued.
(If more than one, use another piece of paper and answer the same questions.)

1. Court that issued warning (if federal, give the district and division): _____
2. Case number: _____
3. Approximate date warning was issued: _____

Executed on: _____
DATE

(Signature of Plaintiff)

PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand, if I am released or transferred, it is my responsibility to keep the court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions or appeals (from a judgment in a civil action) in a court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire filing fee and costs assessed by the court, which shall be deducted in accordance with the law from my inmate trust account by my custodian until the filing fee is paid.

Signed this 17th day of April, 20 23.
(Day) (month) (year)Devin SimmonsDevin

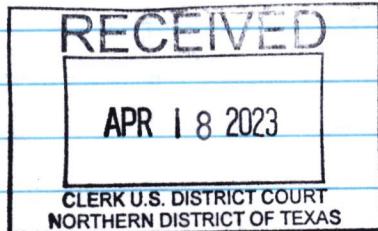
(Signature of Plaintiff)

WARNING: Plaintiff is advised any false or deliberately misleading information provided in response to the above questions may result in the imposition of sanctions. The sanctions the court may impose include, but are not limited to, monetary sanctions and the dismissal of this action with prejudice.

① Dear Honorable Judge,

4/17/23

Here comes said 1983 litigation, Facts & Filing of issue and grounds, I have also exhausted remedies but unit is giving me issues on the copies of the step 1 & step 2. I have sent multiple T-409 for copies etc, from Law Library, they have sent me things but the copies. The Filings of Indigency of the Informa Pauperis, will be mailing this in a self addressed envelope, notarized. Enclosed is the Original. I ask that courts review all grounds and Allegations and that all canon postures of these Unprofessional Actions. I seek relief and that Judge of said courts, views the life threatening retaliation, categorizing dept playing all in one's favor. But that I managed to investigate facts and show it's evidence of the Criminal Behavior.



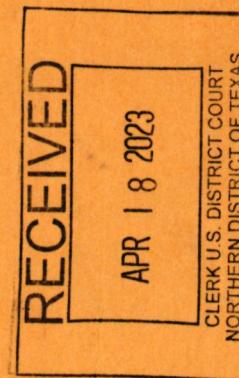
David Summ #1969486
12701 fm 3522
Abilene, TX 79601
(Robertson Unit)

certified (lot 1)



Dawn Simmons #1010400
1201 fm 3522
Abilene, TX 79601
RB Unit

District Clerk's Office
Misti Brant
341 Fine St. Rm# 2008
Abilene, TX 79601-5928



Local Mail



Local Mail

PRIVILEGED OR
NOTARIZED
MAIL

X-RAY

Legal Mail

Legal Mail